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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,975

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Takeshi Kamata

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EXAMINER

TADAYYON ESLAMI, TABASSOM

ART UNIT

PAPER NUMBER

1712

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,975	<b>Applicant(s)</b> KAMATA ET AL.	
	<b>Examiner</b> TABASSOM TADAYYON ESLAMI	<b>Art Unit</b> 1712	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 1-2, 3-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over C. J. Krogel (U. S. Patent: 2428284, here after Krogel), further in view of Siegfried Unterberger (U. S. Patent: 5645899, here after Unterberger), James P. Liautauel et al (U. S. Patent: 3995772, here after Liautauel).***

Claim 1 is rejected. Krogel teaches a method of automatically marking an article which is transferred in one direction, comprising the steps of: storing in advance a pattern for coloring an outer surface of the article with a plurality of coloring agents of respective colors different from each other [column 1, lines 46-end, column 2 lines 1-5, column 2 lines 21-24]; detecting a transfer speed of the article; supplying a coloring agents, and spouting a plurality of the coloring agents of respective specific amount toward the outer surface of the article according to the pattern in response to the detected transfer speed(15) [column 2 lines 46-53, fig. 1]. Krogel does not teach the coloring agents are spouting as a single drop at a time. Unterberger teaches a method of automatically mark an article (electric lead, cable, AD) transferred in one direction (applying colorant to the surface of an electric cable) [abstract, column 4 lines 49-51, fig.1], comprising the step of; storing in advance a pattern for coloring an outer surface

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of article(AD, cable) with coloring agent (paint) [column 4 lines 17-22] and supplying the coloring agent (VF) and spouting a plurality of coloring agents a as by nozzle (ST) as a single drop at a time(FP) to form aligned spots (FP1 to FPn in fig. 2) on the outer surface of the article( the marking is on the insulating coating of the wire, so it is on the outer surface of the cable)[fig. 1, fig. 2, column 4 lines 22-29 ].]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method of marking a cable as Krogel teaches where the nozzles are replaced by the nozzles of Unterberger teaches, because Unterberger nozzle is suitable to deposit multi color paint to a cable. Unterberger also teaches the coloring agent is supplied to the nozzle by a pressure mechanism [column 6 lines 20-30], however does not teach supplying a pressurized gas into a coloring agent and nor teaches existing a valve between the coloring agent supply and the nozzle. Liautauel teaches a method of putting colorant to an article (painting) where a compress air (supplying pressure gas into the container of the supplying source) exists on the coloring source and also teaches existing a valve (aperture, 30) between the supply source and the nozzle [column 1 lines 10-15, fig. 2]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method of Krogel, Unterberger where a compress air exists on the coloring supply and a valve is between the nozzle and the coloring supply as Liautauel teaches, because Liautauel teaches a suitable method of painting an article. It is also inherent that the spouting of the coloring agents toward the outer surface if the article is due to the bias of the supplied pressure air.

Claim 2 is rejected. Krogel teaches the article is an electric wire (cable) [column 1 lines 5-6].

Claims 3-4 and 8 are rejected for the same reason claims 1 and 2 are rejected. Krogel teaches a detecting means for detecting the transfer speed of an article (15).

Claim 5 is rejected. Unterberger teaches the plurality of nozzles arranged along circumferential direction around the article [column 7 lines 55-end ] for coloring the cable also along circumferential direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method of Krogel, Unterberger, and Liatauel teach where a plurality of nozzles along circumferential direction of the article also exists, because Uterberger teaches it is possible to color-code the cable is 360 degree with nozzles arranged in circumferential direction of eth cable.

Claim 7 is rejected for the same reason claims 3-6 are rejected. Unterberger teaches a device body for receiving the storing means and the control means, wherein the device body comprises a plurality of connectors for connecting the device body to the spouting means and the connectors are provided in the same number as that of the spouting [column 6 lines 20-30].

3. ***Claim 6 is 35 U.S.C. 103(a) as being unpatentable over C. J. Krogel (U. S. Patent: 2428284, here after Krogel), Siegfried Unterberger (U. S. Patent: 5645899, here after Unterberger), James P. Liatauel et al (U. S. Patent: 3995772, here after Liatauel), further in view of Larry L. Bleich et al (U. S. Patent: 4877645, here after Bleich).***

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Claim 6 is rejected. Krogel, Unterberger, Liautauel teach the limitation of claim 5 as discussed above, they do not teach the 45 degree angle between the nozzle and the perpendicular direction. Bleich teaches a method of automatically mark an article transferred in one direction (applying colorant to the surface of an electric cable) [abstract lines 1-6, column 1 lines 1-3] by spraying (inherently contains droplets) to form spots on the outer surface of the article( the marking is on the insulating coating of the wire, so it is on the outer surface of the wire), from a plurality of separate and spaced nozzles(46 and 50), arranged in a longitudinal direction of the article being transferred [fig. 5]. Bleich also teaches plurality of coloring agents of respective colors different from each others (42 and 52) [fig. 9, column 4 lines 39-4, column 6 lines 32-42], where the nozzle make 45 degree angle with the perpendicular and horizontal directions to form a uniform coating and avoid excessive buildup[fig. 4, column 4 lines 54-66]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a method of Krogel, Unterberger, Liautauel teach where the nozzle makes a 45 degree angle with the perpendicular and horizontal directions, because Bleich teaches t avoid excessive buildup of the paint on the cable.

***Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over C. J. Krogel (U. S. Patent: 2428284, here after Krogel), Siegfried Unterberger ( U. S. Patent: 5645899, here after Unterberger), James P. Liautauel et al ( U. S. Patent: 3995772, here after Liautauel), further in view of Traut et al (U. S. Patent: 5237917, here after Traut).***

Claim 9 is rejected. Krogel, Unterberger, Liautauel teach the limitation of claim 8 as discussed above. They do not teach cutting the cable (electric wire) after transferring the cable in said one direction. Traut teaches a device for marking a cable with ink jet printer (nozzles) and cutting the cable afterward [abstract lines 1-end]. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to replace marking unit of the Traut device with what Unterberger, Liautauel, teach, because Krogel, Unterberger, Liautauel, teach their device is capable to mark the electric wire.

### ***Response to Arguments***

Applicant's arguments filed 09/01/10 have been fully considered but they are not persuasive. The applicant argues Bleich does not teach spouting a single drop at a time, however the new reference, Krogel and Unterberger teach the new limitation of amended claim (see the rejection above).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TABASSOM TADAYYON ESLAMI whose telephone number is (571)270-1885. The examiner can normally be reached on 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tabassom T. Tadayyon-Eslami  
Examiner  
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